IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO 670 of 1995
in
SPECIAL CIVIL APPLICATION NO 2116 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LILABEN CHHOTABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:
1. LETTERS PATENT APPEAL No. 670 of 1995
MR BN KESHWANI for Appellant No.
MR ASHISH BHATT, AGP, for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 23/08/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

This Appeal is arising out of the order dated 16.8.1994 passed by the learned Single Judge, dismissing the Special Civil Application No.2116 of 1994. The learned Single Judge dismissed the writ petition on three grounds, viz. (i) delay, (ii) non-joinder of party concerned i.e. Company to whom the land in question was allotted, and (iii) allegations of malafide levelled against the concerned Minister without joining him as party - respondent.

Having carefully gone through the order passed by the learned Single Judge, dismissing the writ petition on the aforesaid three grounds, we are fully convinced that the learned Single Judge has not committed any error while dismissing the writ petition. There was a considerable delay in filing the petition. That apart, the Company, in whose favour the land was allotted was a necessary and proper party and without it being joined, no relief can be granted in favour of the petitioner and vague allegations of malafide were made against the concerned Minister without joining him respondent.

Under the circumstances, this Appeal is required to be dismissed and accordingly it is dismissed.

(B.J.Shethna, J.)

Date : August 23, 2004

(M. C. Patel, J.)

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